



Substitute House Bill No. 6755

Public Act No. 05-265

***AN ACT CONCERNING PERSONNEL TEMPORARILY ASSIGNED
TO THE DEPARTMENT OF EMERGENCY MANAGEMENT AND
HOMELAND SECURITY AND VOLUNTEERS PARTICIPATING IN
HOMELAND SECURITY DRILLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 28-1a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There is established a Department of Emergency Management and Homeland Security, which shall be within the Office of Policy and Management for administrative purposes only. Said department shall be the designated emergency management and homeland security agency for the state. The department head shall be the commissioner, who shall be appointed by the Governor in accordance with the provisions of sections 4-5, 4-6, 4-7 and 4-8 with the powers and duties prescribed in said sections. The commissioner shall possess professional training and knowledge consisting of not less than five years of managerial or strategic planning experience in matters relating to public safety, security, emergency services and emergency response. No person possessing a record of any criminal, unlawful or unethical conduct shall be eligible for or hold such position. Any person with any present or past political activities or financial interests that may

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substantially conflict with the duties of the commissioner or expose such person to potential undue influence or compromise such person's ability to be entrusted with necessary state or federal security clearances or information shall be deemed unqualified for such position and shall not be eligible to hold such position. The commissioner shall be the chief administrative officer of the department and shall have the responsibility for providing a coordinated, integrated program for state-wide emergency management and homeland security. The commissioner may do all things necessary to apply for, qualify for and accept any federal funds made available or allotted under any federal act relative to emergency management or homeland security.

(b) With reasonable conformance to applicable federal statutes and administrative regulations of the Federal Emergency Management Agency and the requirements of the Connecticut emergency operations plan, the commissioner shall organize the department and the personnel of the department as may be necessary for the effective discharge of the authorized emergency management, civil preparedness and homeland security missions, including, but not limited to, the provisions of the Connecticut emergency operations plan and the national plan for civil preparedness. Any department personnel may be removed by the commissioner for security reasons or for incompetence, subject to reinstatement by the Employees' Review Board. The commissioner may enter into contracts for the furnishing by any person or agency, public or private, of services necessary for the proper execution of the duties of the department. Any such contract that has a cost of three thousand dollars or more shall be subject to the approval of the Attorney General.

(c) The commissioner shall be responsible for: (1) Coordinating with state and local government personnel, agencies, authorities and the private sector to ensure adequate planning, equipment, training and

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exercise activities by such personnel, agencies, authorities and the private sector with regard to homeland security; (2) coordinating, and as may be necessary, consolidating homeland security communications and communications systems of the state government with state and local government personnel, agencies, authorities, the general public and the private sector; (3) distributing and, as may be appropriate, coordinating the distribution of information and security warnings to state and local government personnel, agencies, authorities and the general public; and (4) establishing standards and security protocols for the use of any intelligence information.

(d) The commissioner may adopt such regulations, in accordance with the provisions of chapter 54, as necessary to implement the duties of the department.

(e) The commissioner shall, in consultation with the bargaining unit representing state police, enter into an interagency memorandum of understanding with the Department of Public Safety and the Military Department to provide for (1) the temporary assignment and retrenchment rights of state police and employees of the Military Department to work in the department, and (2) interagency information sharing. [All such assigned employees shall be] Any such personnel temporarily assigned shall act under the [sole] direction of the commissioner. The Department of Public Safety and the Military Department, respectively, shall retain administrative control over such personnel.

(f) The commissioner may request and may receive from any federal, state or local agency, cooperation and assistance in the performance of the duties of the department, including the temporary assignment of personnel necessary to perform the functions of the department. Any such personnel temporarily assigned shall act under the direction of the commissioner. The federal, state or local agency shall retain administrative control over such personnel. For purposes

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of section 5-141d, such personnel temporarily assigned shall be deemed to be acting as state employees while assigned to, and performing the duties of, the department.

[(f)] (g) The functions, powers, duties and, as determined to be necessary by the commissioner, personnel of the Division of Homeland Security within the Department of Public Safety and the Office of Emergency Management within the Military Department shall be transferred to the Department of Emergency Management and Homeland Security in accordance with the provisions of sections 4-38d, 4-38e and 4-39.

Sec. 2. (NEW) (*Effective October 1, 2005*) (a) For the purposes of this section, "volunteer organization" means an organization that (1) provides first responder, rescue or emergency medical transportation services, or is a volunteer fire company that provides emergency medical or rescue services, as part of its duties, and (2) relies exclusively or primarily upon volunteers to provide such services.

(b) The Department of Emergency Management and Homeland Security shall compensate each volunteer with any volunteer organization that conducts a homeland security drill authorized by said department that exceeds twenty-four consecutive hours in length who participates in such drill and is otherwise employed, at the same rate as such volunteer is compensated in his or her employment in the public or private sector, provided the payment by said department shall be reduced by any amount of compensation such volunteer receives from his or her employer for such drill.

(c) In the event any such volunteer is injured, disabled or dies in the course of any such drill, such volunteer shall be compensated in accordance with the provisions of chapter 568 of the general statutes to the same extent that he or she would have been compensated for such injury, disability or death occurring in the course of his or her

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employment in the public or private sector.

Approved July 13, 2005